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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/457,839	12/09/1999	HONG Q BUI	AMAZON.025A	8131
20995	7590	02/18/2004	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			SHERR, CRISTINA O	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 02/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/457,839

Applicant(s)

BUI, HONG Q

Examiner

Cristina O Sherr

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ML

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-42 and 44-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-42 and 44-69 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5. 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to Applicant's amendment filed 30 December 2002. Claims 31-42 and 44-69 are pending in this case.

Response to Arguments

2. Applicant's arguments with respect to claims 31-42 and 44-69 have been considered but are moot in view of the new ground(s) of rejection.

Specification

3. The abstract of the disclosure is objected to because of its length. The abstract should be no more than 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claims 36 and 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Both of these claims recite in a whereby clause that a registered user can make purchases "... without providing payment information" to the merchant web site.

However, this cannot be the case. Both of these claims recite that the wallet service server sends "customer information" to the merchant. Both of these claims recite that the "customer information" includes "payment information". Therefore, it is vague and indefinite as to whether or not payment information is really sent. This is important because these are two very distinct wallet systems. There are systems that send a

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“transaction ID” instead of the consumer’s payment information (such as a credit card).

Claims 36 and 41, however, are clear that the payment information included in the customer information is sent to the merchant. Therefore, this “whereby” clause is causing a conflict with what the rest of the claims recite as the invention.

7. Claims 37-40 and 66-69 are dependent claims on claim 36. Claim 42 is a dependent claim of claim 41.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 31 –35 and 65, and 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boesch et al (US 6,092,053) in view of Foster (US 6,332,134) further in view of Lineham (US 6,327,578).

10. Regarding claim 31 –

11. Foster discloses a 3rd party transaction system called “CardFort”. Instead of sending the merchant the credit card information, this system instead sends the merchant information to the credit card issuer. However, this system still reads on claim 31 in the following way. The consumer registers with the “CardFort” server (residing with the financial institution) including credit card account and shipping address. All merchants who accept “CardFort” payments have a button at the website at checkout. If the consumer selects this option, the merchant sends purchase to either the

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consumer (who forwards it to the financial institution) or directly to the financial institution. If the purchase is authorized, the CardFort system sends the merchant the consumer's shipping information and the product is shipped as indicated in the consumer information. Purchase history is stored on all three servers (consumer, merchant, financial institution). (e.g. col 2 ln 27 – col3 ln 54).

12. Regarding claim 31 –35 and 65, 44-45, –

13. Boesch teaches a server-side wallet system that stores consumer information and sends it to a merchant to allow processing. It stores purchase history as a profile to be used for customized web pages and targeted marketing. (e.g. col 2 ln 21 – col 4 ln 54).

14. Lineham discloses a registering consumer information including the consumer's credit card number with a wallet system (i.e. the issue gateway) and the issuer gateway sends the consumer's credit card reference number to the merchant who uses it to finish the purchase transaction. This reference also teaches the advantages of storing all transaction histories on the wallet server (i.e. issuer gateway). (e.g. col 3 ln 66 – col 4 ln 57).

15. It would be obvious to one of ordinary skill in the art to combine the teaching of Boesch, Lineham and Foster in order to obtain greater security with greater ease for the user in the processing of online transactions.

17. Claims 46-52, 53-59 and 60-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katis (US 6,601,761).

18. Regarding claims 46-52, 53-59 and 60-64 –

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19. Katis discloses an electronic wallet server that is co-branded. The co-branding is not significant for the purposes of this application. The consumer registers consumer information including payment information in the wallet server. The consumer selects to pay with wallet system and consumer's information is sent to the merchant. (e.g. col 1 ln 63-67, and col 2 ln 8 – col 4 ln 31). This reference does not specifically state that a purchase history is kept. However, official notice is taken that considering this system also has rewards issued, and considering that all transaction systems keep purchase history, it would be either inherent or obvious over the teaching.

20. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

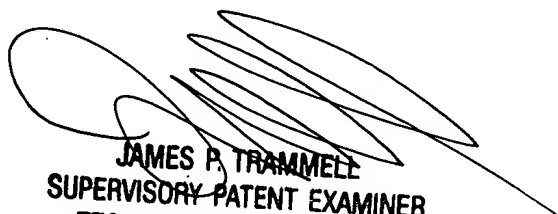
Conclusion

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina O Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on Monday through Friday 8:30 to 5:00.

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22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

23. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



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